

SECTION 1 - PURPOSE AND INTENT

The purpose of this Ordinance is to establish subdivision standards and procedures for the County of Fauquier, Virginia, and such of its environs as may be under the jurisdiction of the governing body.

This Ordinance is to guide and facilitate the orderly, beneficial growth of the community by assuring the orderly subdivision of land and its development, and to promote the public health, safety, convenience, comfort, prosperity and general welfare.

The Ordinance is known and may be cited as "Subdivision Ordinance of Fauquier County, Virginia, 1968".

SECTION 2 - DEFINITIONS (WORDS AND TERMS)

For the purpose of this Ordinance, terms used here shall be interpreted and defined as follows: Words used in the present tense shall include the future; words in the singular number include the plural, and the plural and singular unless the natural construction of the word indicates otherwise; the word "lot" includes the word "parcel"; the word "shall" is mandatory and not directory; the word "approve" shall be considered to be followed by the words "or disapprove". The word "current" shall mean the point in time at which a matter is under consideration and shall not mean the date of adoption of this Ordinance. Any reference to this Ordinance includes all ordinances amending or supplementing the same and the date of their additions or deletions. All distances and areas refer to measurement in a horizontal plane.

2-1 Agent

The person or persons appointed to serve as the agent of the Board of Supervisors of Fauquier County, Virginia.

2-2 Alley

A permanent service way providing a secondary means of vehicular access to abutting properties and not intended for general traffic circulation.

2-3 Architect

A person licensed to practice as such in the State of Virginia.

2-4 Building Line

The distance of a building from the front lot line or a boundary line.

2-5 Commission

The Planning Commission of Fauquier County, Virginia.

2-6 Cul-de-Sac

A street with only one outlet and having an appropriate turnaround area for a safe and convenient reverse of traffic movement.

2-7 Developer

An owner or property being subdivided whether or not represented by an agent.

2-8 Easement

A grant by a property owner of the use of land for a specific purpose or purposes.

2-9 Engineer

A person licensed to practice as such in the State of Virginia.

2-9(1) Floodplain

All lands subject to inundation by waters of the one hundred (100) year flood. The basis for the delineation of the floodplain shall be the current approved Flood Insurance Study for Fauquier County prepared by the U.S. Department of Housing and Urban Development, Federal Insurance Administration, dated May 1, 1979, as amended, or where the area is not covered by the Flood Insurance Studies, the County Soil Survey Maps or approved engineering studies, and other specific areas established by action of the Board.

2-10 Governing Body

The Board of Supervisors of Fauquier County.

2-11 Health Official

The Health Director of Fauquier County or his designated agent.

2-12 Highway Engineer

The Resident Highway Engineer of Fauquier County employed by the Virginia Department of Transportation

2-13 Improvements

All public utilities and facilities, including, but not limited to, streets, cul-de-sacs, storm and sanitary sewer, water lines, curb and gutter, required pursuant to the terms of this Ordinance or the Zoning Ordinance of Fauquier County, Virginia.

2-14 Jurisdiction

The area or territory subject to legislation control of the governing body.

2-15 Landscape Architect

A person registered to practice as such or a member of the American Society of Landscape Architects.

2-16 *Lot*

A numbered and recorded portion of a subdivision intended for transfer of ownership or for building development for a single building or accessory building.

2-17 *Lot, Corner*

A lot abutting upon two or more streets at their intersection. The shortest side fronting upon a street shall be considered the front of the lot and the longest side fronting upon a street shall be considered the side of the lot.

2-18 *Lot, Depth of*

The mean horizontal distance between the front and rear lot lines.

2-19 *Lot, Double Frontage*

An interior lot having frontage on two streets.

2-20 *Lot, Interior*

A lot other than a corner lot with only one street frontage.

2-21 *Lot of Record*

A lot which has been recorded among the land records in the Office of the Clerk of the Circuit Court of Fauquier County.

2-22 *Lot, Width of*

The mean horizontal distance between the side lot lines.

2-23 *Performance Bond*

A bond, escrow, letter of credit or other performance guarantee acceptable to and approved by the Board or its designated agent.

2-24 *Plat*

A map or plan of a tract or parcel of land which is to be or which has been subdivided. (Includes the terms map, plan, plot, replat, or replot.) When used as verb, "plat" or synonymous with "transfer".

2-25 *Planner*

A person qualified to prepare development plans, either licensed as such, or meeting the standards of the American Institute of Planners.

2-26 *Profiles and Specifications*

Construction plans and specifications showing all necessary data for all public and private improvements to be installed under the terms of this Ordinance.

2-27 *Property*

Any tract or parcel or several of the same collected together for the purpose of subdividing.

2-28 *Street*

A strip of land, subject to vehicular and/or pedestrian traffic providing means of access to property; also designated as street, road, land, drive avenue, right-of-way, highway, boulevard, trail, court, place, terrace, etc.

2-29 *Street Collector*

A street that carries or is anticipated to carry a volume of through traffic exceeding 400 vehicles per day, the right-of-way of which shall not be less than 50 feet nor more than 80 feet depending upon existing or anticipated traffic volume.

2-30 *Street, Rural*

A street having minimum right-of-way of feet located in areas or subdivision divided into parcels of five acres or more, excepting streets carrying or anticipated to carry heavy volumes of traffic or otherwise defined herein.

2-31 *Street, Local*

A street that carries or is anticipated to carry a volume of traffic less than 400 vehicles per day, the right-of-way of which shall not be less than 50 feet.

2-32 *Street, Major Thoroughfare*

A street that carries or is anticipated to carry a volume of traffic exceeding 3,000 vehicles per day, the right-of-way of which shall not be less than 80 feet and no more than 110 feet.

2-33 *Street, Arterial Highway*

A highway utilized primarily as a supplement to, and an extension of, the interstate highway system defined in the Virginia State Highway Commission Standards as an arterial highway. A minimum right-of-way of 100 feet is required and carrying capacity is in excess of 8,000 vehicles per day.

2-34 *Street, Interstate/Freeway*

A thoroughfare utilized to carry interstate traffic with a minimum right-of-way of 300 feet in rural areas and carrying capacity in excess of 1,500 vehicles per land per hour.

2-35 *Street, Service Drive*

A public right-of-way generally parallel with and contiguous to a major highway. Primarily designed to promote safety by eliminating pernicious ingress and egress to the major highway right-of-way by providing safe and orderly points of access to major highway.

2-36 *Street Width*

The total width of the strip of land dedicated or reserved for public travel including roadway, curb and gutter, sidewalk, planting strips and, where necessary, utility easements.

2-37 *Subdivide*

The process of dividing land to establish a subdivision.

2-38 *Subdivider*

An individual, corporation, proprietor, trust, trustee, joint venture, partnership or other entity, owning any tract, lot or parcel of land to be subdivided or a group of two or more persons or entities owning any tract, lot, or parcel of land to be subdivided who have given their power of attorney to one of their group or to another individual or entity to act on their behalf in planning, negotiating for, in representing or executing the legal requirements of the subdivision.

2-39 *Subdivision*

- 1) The division of a lot, tract or parcel of land into two or more lots, tracts or parcels for the purpose of transfer of ownership or building development. For purposes of this Section, the term shall relate to the purpose of recordation of any single division of land into two lots or parcels.
- 2) The division or allocation of land as open space for the common use by owners, occupants, or leaseholders.
- 3) An exception to the definition of "Subdivision" is made and approval by the agent is permitted for the following:
 - A) The single division of a lot or parcel for the purposes of a gift or sale to any member of the owner's immediate family provided:
 - 1) One of the property owner(s) is the natural or legally defined child, grandchild, parent or grandparent of the grantee or one of the property owner(s) is a trustee of a property owner's estate who was an immediate family of the grantee. (Amended by Board of Supervisors on February 18, 2003.)
 - 2) No previous transfer under this provision has been granted to the grantee in this County.
 - 3) The lot will not be voluntarily transferred to a non-immediate family member for at least ten (10) years except that a transfer of a shared interest may subsequently or simultaneously be made to the spouse of the grantee. This restriction shall be noted in the deed.
 - 4) The grantee is 18 years of age and able to hold real property under the laws of Virginia.
 - 5) The purpose of the transfer is to provide for the housing needs of the grantee.
 - 6) The transfer is not for the purpose of circumvention of the Subdivision Ordinance.
 - 7) The grantor and grantee sign an affidavit duly acknowledged before some officer authorized to take acknowledgments of deeds that certifies compliance with 1 thru 7 above.

- 8) Lots of five acres or greater shall be served by a right-of-way of not less than fifty feet in width; lots of less than five acres shall be served by a right-of-way of not less than twenty feet in width.
 - 9) Each lot created hereunder and the residue lot shall have Health Department approval for sewerage disposal to serve a minimum of a two-bedroom residence.
 - 10) When the residue can no longer be divided under this provision or otherwise, a note to that effect shall be contained on the plat or in the deed.
 - 11) If the proposed lot(s) is served by a non-exclusive right-of-way, which is maintained by means of a recorded maintenance agreement or a duly constituted homeowners association, concurrence of the association or persons signatory to the maintenance agreement for the addition of the proposed lot(s) is required.
 - 12) Procedures for approval shall be the same as those for administrative subdivisions contained in Paragraph 3-2, (B).
 - 13) The platting requirements of Chapter 10 of this Ordinance are met.
 - 14) In the event the Board of Supervisors determines a circumvention to have occurred, the family transfer approval shall be considered void and the County may take appropriate action to require compliance with all otherwise applicable subdivision and zoning requirements or may initiate action to vacate said lot. No zoning permits shall be issued for such lot(s).
 - 15) If the Board finds that an extraordinary hardship is being caused by the ten-year restriction, it may reduce the time period to alleviate the hardship. This hardship provision shall be noted on the plat or in the deed.
- B) The sale or exchange of parcels between adjoining lot owners provided:

- 1) Such sale or exchange does not create an additional building lot;
 - 2) The sale or exchange of parcels does not leave a parcel that does not conform to the lot size and frontage requirements of the zoning district in which the property is located, and
 - 3) The platting requirements of Chapter 10 of this Ordinance are met.
- C) The division of a lot, tract or parcel of land into two or more parcels all of which are fifty (50) or greater for the purpose of transfer of ownership or building development provided:
- 1) The lots/layout conform to requirements of this Ordinance and other County Ordinances;
 - 2) All lots are served by a right-of-way at least thirty (30) feet in width;
 - 3) The design standards of Article 7-303.1 of the Zoning Ordinance are met, except that the right-of-way width may be reduced as provided above;
 - 4) The homeowners association is established with covenants which provide for the maintenance and upkeep of the private street;
 - 5) The highway entrance is approved by the Virginia Department of Transportation;
 - 6) All platting requirements of Chapter 10 of this Ordinance are met; and
 - 7) The large lots shall meet the minimum size and other requirements of Section 2-310 of the Zoning Ordinance. A notation shall be placed on the plat and deed for any lot, which may not be further divided in accordance with the provisions of Section 2-310 of the Zoning Ordinance. No parcel created pursuant to this section shall be divided in accordance with the sliding scale and its proportionate share methodology set forth in Section 2-308 of the Zoning Ordinance, except as outlined in Section 2-310.

- D) The division or allocation of land as easements for the extension and maintenance of public sewer, water, storm drainage, or other public facilities/utilities or public improvements provided approval as required by Section 15.2-2232 of the Code of Virginia and/or other necessary State, Federal or local approvals have been granted and all requirements of this Ordinance and other County Ordinances have been met.
- E) The division or allocation of an individual parcel of land by Fauquier County, the Fauquier County School Board, the Fauquier County Water and Sanitation Authority, or the Vint Hill Economic Development Authority as owner or contract purchaser where the division is for the acquisition or sale of property by one of the aforementioned political subdivisions for a governmental purpose, provided that all requirements of this Ordinance and other County Ordinances have been met.
- F) The division or allocation of property located within a planned industrial or commercial development or other Planned District Zone for the purpose of office, commercial or industrial development, provided that the proposed division is in compliance with the Comprehensive Plan, the Concept Development Plan and any applicable rezoning proffer, and further provided that all platting requirements of Chapter 10 have been met, all required bonds are posted, and all requirements of this Ordinance and other County Ordinances have been met.
- G) Division of property in all other Industrial and Commercial zones provided that a Plan of Development has been approved in accordance with the provisions below, the division is in compliance with the Plan of Development, the Comprehensive Plan and any applicable rezoning proffers, and further provided that all platting requirements of Chapter 10 have been met, all required bonds are posted, and all requirements of this Ordinance and other County Ordinances have been met.
- H) The Plan of Development is designed to produce agreement and consensus on the design, size, access, layout, extent, and location and degree of improvements necessary or proposed in conjunction with a proposed development. The subdivider shall meet with the agent, the necessary referral agencies as identified by the agent, and the Planning

Commissioner from the magisterial district of the proposed division to review the subdivider's proposed Plan of Development. After this meeting, the agreed upon Plan of Development shall be submitted for the Planning Commission's review a minimum of 21 days prior to the Commission's meeting. The Plan of Development shall be placed on the Commission's consent agenda, and shall be considered approved unless removed from this agenda and denied. If a Plan of Development is denied, the subdivider must file a preliminary plat pursuant to Chapter 9 of this Ordinance.

2-40 Surveyor

A certified land surveyor as licensed by the State of Virginia.

2-41 Central Sewerage and/or Water System

Central Sewerage System - Any sewage disposal system which serves three or more parcels or buildings under separate ownership.

Central Water System - Any system of water service which serves three or more parcels or buildings under separate ownership from a common source(s).

The system shall include all buildings, equipment, lines and other facilities, and the associated land, converted in fee or by easement necessary for ownership and operation.